

Notice of Allowability

Application No.

10/611,485

Examiner

Gregory R. Del Cotto

Applicant(s)

SCHILLING ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amend. filed 12/9/05.
2. ☒ The allowed claim(s) is/are 2-4, 29, 31, 46, and 60-62 renumbered 1-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/9/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 2/16/06
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

**GREGORY DELCOTTO
PRIMARY EXAMINER**



EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Allen Hoover on February 15, 2006.

The application has been amended as follows:

The Claims:

In claim 2, line 1, before "composition" insert – dust-suppressant or soil stabilization --.

In claim 2, line 4, after "corn" insert – hull --.

In claim 3, line 1, before "composition" insert – dust-suppressant or soil stabilization --.

In claim 3, line 3, after "corn" insert – hull --.

In claim 4, line 1, before "composition" insert – dust-suppressant or soil stabilization --.

In claim 4, line 3, after "corn" insert – hull --.

In claim 29, line 1, before "composition" insert – dust-suppressant or soil stabilization --.

In claim 29, line 3, after "corn" insert – hull --.

In claim 29, line 4, delete "approximately".

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In claim 29, line 5, delete "approximately".

In claim 46, delete "An aqueous solution" and insert – The composition of claim 4

--.

In claim 46, line 2, delete "approximately".

In claim 46, line 3, delete "approximately".

In claim 46, line 3, delete "and" and insert – wherein said composition further comprises --.

Cancel claims 5, 6, 25, 30, 47, and 48.

Add new claims 60-62:

60. (New) A composition according to claim 2, said composition further comprising a lignin compound.

61. (New) A composition according to claim 3, said composition further comprising a lignin compound.

62. (New) A composition according to claim 31, said composition further comprising a lignin compound.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Note that, Applicant's amendments, Applicant's arguments and the Examiner's Amendment are sufficient to place the instant claims in condition for allowance. Additionally, Applicant has submitted a statement of common ownership with respect to

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McPherson et al (US 2002/0100383) which is sufficient to overcome any rejections under 35 USC 103 over McPherson et al (US 2002/0100383) for those claims which are supported back to provisional application 60/393,170.

Of the references of record, the most pertinent are McPherson et al (US 6,063,178) or McPherson et al (US 2002/0100383). McPherson et al ('178) teach a method for the preparation of a corrugating adhesive. The method includes the steps of extracting hemicellulose from a hemicellulose-containing plant source, separating the hemicellulose in a soluble phase from the insoluble portion of the hemicellulose-containing plant source, and mixing the hemicellulose-rich phase with starch to form an adhesive composition. See Abstract. However, McPherson et al does not teach or suggest the use of a surfactant as recited by the instant claims. Additionally, McPherson et al is drawn to adhesive materials in contrast to the compositions as recited by the instant claims which are drawn to dust suppressant or soil stabilization compositions.

McPherson et al ('383) teaches lithographic dampening solutions and a method for dampening a lithographic plate. The solution comprises an aqueous solution of a gum, which may be a corn-hull derived hemicellulose or the enzyme digestion product of a hemicellulose. However, upon further consideration, McPherson et al do not teach or suggest the use of a chloride salt, crosslinking agent, or lignin compound in addition to the other requisite components of the composition as recited by the instant claims. Additionally, McPherson et al is drawn to lithographic dampening solutions in contrast to

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the compositions as recited by the instant claims which are drawn to dust suppressant or soil stabilization compositions.

None of the references of record, alone or in combination, teach or suggest a dust suppressant or soil stabilization composition containing water, corn hull hemicellulose, surfactant, and the other requisite components of the composition in the specific proportions as recited by the instant claims. Accordingly, since the prior art fails to teach or suggest such a composition as recited by the instant claims, the instant claims, the instant claims are deemed allowable.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gregory R. Del Cotto
Primary Examiner
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GRD
February 16, 2006